



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable O. J. S. Ellingson,
General Manager,
Texas Prison System,
Huntsville, Texas.

Dear Sir:

Opinion No. O-1199
Re: J. C. Britton, T.S.R. No. 83265.

Question, under facts stated,
as to whether subject's sentence
received in Texas runs concurrent-
ly with his Federal sentence,
held premature.

Your letter of July 27, 1939, relative to the
above captioned subject reads as follows:

"On August 1, 1936, J. C. Britton, No.
83265 was convicted of Robbery with Firearms
in Parmer County and sentenced to 30 years in
the Texas Prison System. He was received in
the institution on August 20, 1936.

"He was released on a Federal bench war-
rant on May 8, 1937 to the Northern District of
Texas, was tried in Federal Court at Amarillo,
Texas and sentenced to 25 years in Federal Pen-
itentiary for bank robbery. He is now confined
in the United States Penitentiary at Alcatraz
Island, Calif.

"Your opinion is respectfully requested as
to whether his Texas sentence is being exercised
and running concurrent with his Federal sentence."

In view of the fact that the subject has many more
years to serve on the sentence he received in the Federal
Court, we have concluded that the question submitted is
now premature. However, should he be released from the
Federal Penitentiary, and returned to the Texas Peniten-
tiary, you may again submit the question and we shall be
glad to answer it.

Hon. O.J.S. Ellington, Page #2.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Bruce W. Bryant*
Bruce W. Bryant
Assistant

BWB:pbp

APPROVE AUG 26, 1939

Gracel. Mann
ATTORNEY GENERAL OF TEXAS

